

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

CLIFTON G. CONLEY

CIVIL ACTION NO. 06-0482

VERSUS

JUDGE S. MAURICE HICKS, JR.

WARDEN LOUISIANA STATE
PENITENTIARY

MAGISTRATE JUDGE HORNSBY

JUDGMENT

Before the Court is the Report and Recommendation of the Magistrate Judge (Record Document 22) recommending that the petition for writ of habeas corpus be denied. Petitioner filed objections to the Report and Recommendation. See Record Document 23. He argues that his attorney's failure to timely file a notice of appeal was ineffective and fell below an objective standard of reasonableness. See id. Specifically, he contends that his guilty plea was "defective," thereby creating an appealable issue, because he "plead guilty under the misrepresentation of counsel that if he did so he would received [sic] a lenient sentence with parole eligibility in exchange for his testimony against his co-defendant." Id. at 4. Petitioner maintains that he had no knowledge and the court failed to advise him that the mandatory minimum sentence for pleading guilty to second degree murder was life. See id. at 4-5.

Petitioner's objections are unconvincing. The transcript from Petitioner's January 13, 2003 guilty plea, which is part of the state court record submitted by the District Attorney, indicates that Petitioner was informed of maximum sentence:

The Court: Do you understand that by pleading guilty to each of these charges you're subjecting yourself up to a life sentence on both charges?

Mr. Conley: Yes, sir.

The Court: Which means that you could be subjected to two life terms, do you understand that?

Mr. Conley: Yes, sir.

Guilty Plea Transcript at 3. The record establishes that Petitioner knew, and the court advised him, that by pleading guilty to second degree murder, he was subjecting himself to a life sentence.

Accordingly,

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that the petition for writ of habeas corpus is **DENIED**, and Petitioner's complaint is **DISMISSED WITH PREJUDICE**.

THUS DONE AND SIGNED, at Shreveport, Louisiana, this the 16th day of March, 2009.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE